

AZ SAFE
Arizona Safety Accountability for Education

Definitions of Actions

No Action	
No Action Taken	No action was taken by the LEA in response to the incident.
Actions Within Due Process	
<p>The right to <u>due process</u> in disciplinary proceedings is applicable in all instances where the behavior of the student is being evaluated for possible suspension or expulsion. The student must always be treated with fundamental fairness, has a right to be fully informed about his/her alleged breach of behavior and must be provided with an opportunity to respond to such charges.</p>	
Appeal Review	<p>When an appeal under Sec 615(k)(3) has been requested by either the parent or the LEA , the state or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.</p> <p>IDEA 2004 [615(k)(4)(B)]</p>
Disciplinary Hearing	<p>An official meeting that is held to gather facts about a disciplinary action imposed on a student. This hearing is often done with a designated disciplinary hearing committee, one or more hearing officers, or school board</p>
Individualized Education Program (IEP) Team Meeting	<p>The IDEA federal regulations mandate that certain disciplinary actions by schools trigger the need for an IEP team meeting when:</p> <ul style="list-style-type: none"> • A student is suspended for ten consecutive days in a school year; • A student is considered for expulsion. <p>The IDEA regulations are not fully included here, but in brief, they require that, IEP team meetings held to address disciplinary issues must perform these tasks:</p> <ul style="list-style-type: none"> • Review the child's IEP to determine if it contains all of the required parts. • Determine if the IEP is appropriate, given the child's behavioral needs. • If the IEP is not appropriate, the team must develop appropriate goals, objectives, a behavior intervention plan, and support services such as counseling, referral to area mental health services, or other appropriate service to address any deficient areas on the plan. • Determine if the educational setting is appropriate for the child. Does he need a more structured environment, an alternative program, day treatment, or other program? If the setting is not appropriate, the team must provide an appropriate placement. • Determine if the child's behavior is related to his disability. If the child's behavior is related to his disability, schools are not to continue suspending or expelling the student without providing special education services that are required by the IEP. Instead, they must focus on providing an appropriate program to accommodate the disability. Schools are required to provide a full continuum of educational placements to meet a broad range of needs. MANIFESTATION DETERMINATION? (About.com: Learning Disabilities) <p>Schools must ensure that regardless of suspensions or expulsions:</p> <ul style="list-style-type: none"> • Special education students receive the same services that regular education students receive during suspension or expulsion;

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	<ul style="list-style-type: none"> • Special education services receive services required by the IEP; and • Services are provided in appropriate settings. <p>Special circumstances exist when students are disciplined for weapons, assault with serious bodily injury, or drugs and different rules will apply.</p>
Manifestation Determination	<p>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:</p> <ul style="list-style-type: none"> • If the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or • If the conduct in question was the direct result of the LEA's failure to implement the IEP. (OSEP)
Placement Review Committee	<p>ARS 15-841. <u>Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee</u></p> <p>J. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.</p>
Board Review	<p>School boards have the right to review student disciplinary actions imposed by a disciplinary hearing committee.</p>

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Removal Any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to self or others. (OSEP)	
Expulsion	ARS 15-840. <u>Definitions</u> "Expulsion" means the permanent withdrawal of the privilege of attending a school unless the governing board reinstates the privilege of attending the school. ARS15-841. <u>Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee</u> B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate. G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420).
Expulsion with Services	The student was expelled from and is no longer enrolled in his or her regular school setting. Arrangements made for the provision of educational services.
Expulsion without Services	The student was expelled from and is no longer enrolled in his or her regular school setting. Total cessation of educational services.
Suspension	ARS 15-840. <u>Definitions</u> 2. "Suspension" means the temporary withdrawal of the privilege of attending a school for a specified period of time.
In School Suspension	Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.(OSEP)
Long Term Suspension	Instances in which a child is temporarily removed from his/her regular class for disciplinary purposes for a period of eleven days or more. (OSEP)
Short Term Suspension	Instances in which a child is temporarily removed from his/her regular class. This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP. (OSEP)
Out of School	Out-of-School Suspension – Instances in which a child is temporarily removed from his/her regular

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Suspension	school for disciplinary purposes to another setting (e.g., home, behavior center). (OSEP)
Removal by School Personnel to an Interim Alternative Educational Setting	Interim Alternative Educational Setting – An appropriate setting determined by the child's IEP team in which the child is placed for no more than 45 school days. This setting enables the child to continue to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur. A unilateral removal is an instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 school days. The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement. (OSEP)
Removal by hearing officer for likely injury to self or others	Those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 school days based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The IEP team is responsible for determining the interim alternative educational setting. (OSEP)
Reassignment to a Different Class	Student removed by school administration from one class and placed in another class with a different instructor
Reassignment to Another School within District	The student was reassigned to another school facility or program within the district that allowed him/her to continue to participate in the general curriculum at a school setting, including students receiving prescribed special education services who continued to receive these services.
Action Completed in One Day	
Confiscation of Contraband	Taking away an item(s) defined as prohibited by school or district policy.
Demerit	A mark against a student for misconduct, as defined by district policy
Drug Test	A drug test is commonly a technical examination of urine, semen, blood, sweat, or oral fluid samples to determine the presence or absence of specified drugs or their metabolized traces (Wikipedia).
Law Enforcement Contacted	Local law enforcement agency contacted by school or district officials. This includes contacting of school resource officer (SRO).
Parent Conference	School administrator formally meets with the parent or guardian of the student.
Parent Notification	Parent or guardian is contacted by phone, personal contact, letter or certified letter.
Referred to Outside Agency	Student is provided information for additional services within the community and it is suggested that the student seek the identified services.
Student Conference	School administrator formally meets with the student.
Student Verbal Apology	An oral expression of contrition and remorse for something done wrong.

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Student Written Apology	A written expression of contrition and remorse for something done wrong.
Warning	A verbal or written notification to the student of inappropriate behavior or actions on the part of the student and the potential consequences if it is repeated.
Withdrawal from School	Student withdraws from school prior to action being imposed or completed.
Action Completed in One or More Days	
Behavior Contract	A written agreement between a school official, student and often a parent, that includes how the student will behave and what the appropriate consequence or reinforce will be for compliance or non-compliance.
Behavior Intervention Group: Anger Management Group	Individualized or group counseling that provides the participant with a safe, supportive environment that enables them to learn: <ul style="list-style-type: none"> • when their anger is harmful versus when it is beneficial • what triggers their anger • how they typically respond when angry and the resulting consequences • alternate ways for expressing their anger more appropriately • strategies for managing their anger including self-talk, personal time-outs, problem solving, and relaxation techniques (Paraphrased from Wiktionary)
Behavior Intervention Group: Drug Prevention Group	A facilitated discussion among a group of people where the primary focus of the facilitator is to reduce the likelihood that group participants will be involved with illicit or illegal drugs.
Behavior Intervention Group: Other Group	Defined by the Local Education Agency (LEA).
Behavior Intervention Plan	A written, specific, purposeful and organized plan which describes positive behavioral interventions and other strategies that will be implemented to address goals for a student's social, emotional and behavioral development. (National Association of Social Workers)
Community Service	Unpaid work that benefits the school, neighborhood, or community in meaningful ways by providing necessary and productive labor, ideally providing students with an opportunity to learn a variety of skills and give back to the community in a meaningful way. (Community Service as an Alternative to Suspension toolkit – University of Arizona)
Detention	A form of punishment in which students are made to stay in class at a break or at school outside of normal school hours
Functional Behavioral Assessment	A comprehensive and individualized strategy to identify the purpose or function of a student's problem behavior(s); develop and implement a plan to modify variables that maintain the problem behavior; and teach appropriate replacement behaviors using positive interventions. (OSEP)
Meeting with School Counselor	School counselor formally meets with the student.
Peer Mediation	The goal of peer mediation is to reduce conflict and provide children with problem-solving skills. Trained peer mediators create a safe atmosphere, allowing disputing students to tell their stories and assisting them in working out a mutually acceptable agreement. Since a solution is not forced on the students, the disputants feel empowered to take responsibility for their actions and to deal constructively with their immediate and future disagreements.

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	<p>The conflicts that lend themselves to peer mediation include interpersonal disputes like friendship issues, verbal harassment, spreading rumors, physical aggression, or other bullying behaviors. Assault or other criminal activities are not referred for peer mediation.</p> <p>Peer mediators are trained students who are taught communication and mediation skills. The youngest peer mediators in most programs are fourth graders, although younger students have been trained in some schools. Trained mediators reportedly exhibit increased self-control, self-confidence, and problem-solving skills which they use not only at school, but at home and with friends outside of school. Both mediators and disputants learn to communicate more effectively and solve problems without violence (Leah Davies, M.Ed., Solutions Through Peer Mediation)</p>
Privileges Suspended	For a specified period of time, the student is not a recipient of privileges (such as using the parking lot, attending school sponsored events, participating in extracurricular activities etc).
Restitution	Repaying or compensating for loss or damage. (Webster's II New College Dictionary)
Saturday School	A student is required to attend a structured classroom setting on Saturday for a predetermined length of time.
Teen Court	Teen Court is a unique justice program for first time offenders of misdemeanor crimes. It is designed to give youth who have broken the law and admitted their guilt, a second chance. Those who are accepted into the program must go "to a sentencing trial" in a real courtroom with teens serving as prosecuting and defense attorneys. An adult judge presides and a teen jury determines the sentence, which includes mandatory community service and jury duty in future Teen Courts. Upon successful completion of the program charges against the defendant are dismissed (Colorado Springs, Teen Court)
Threat Assessment	A process that involves identifying, assessing, and managing individuals that might pose a risk of violence to identified or identifiable target (U.S. Secret Service & U.S. Department of Education, Threat Assessment in Schools).
Work Detail	Assignment for a predetermined length of time to a specific clean up or public service duty.
Other Action	
Victim Related Actions	
Meeting with School Counselor	School counselor formally meets with the student.
Referred to Outside Agency	Student is provided information for additional services within the community and it is suggested that the student seek the identified services.
Victim Notified of Right to Transfer	
Other Action	

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15-341. General powers and duties; immunity; delegation

A. The governing board shall:

13. Hold pupils to strict account for disorderly conduct on school property.

14. Discipline students for disorderly conduct on the way to and from school.

15-840. Definitions

In this article, unless the context otherwise requires:

1. "Expulsion" means the permanent withdrawal of the privilege of attending a school unless the governing board reinstates the privilege of attending the school.

2. "Suspension" means the temporary withdrawal of the privilege of attending a school for a specified period of time.

15-841. Responsibilities of pupils; expulsion; alternative education programs; community service; placement review committee

A. Pupils shall comply with the rules, pursue the required course of study and submit to the authority of the teachers, the administrators and the governing board. A teacher may send a pupil to the principal's office in order to maintain effective discipline in the classroom. If a pupil is sent to the principal's office pursuant to this subsection, the principal shall employ appropriate discipline management techniques that are consistent with rules adopted by the school district governing board. A teacher may remove a pupil from the classroom if either of the following conditions exists:

1. The teacher has documented that the pupil has repeatedly interfered with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

2. The teacher has determined that the pupil's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.

B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.

C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

D. A school district may annually or upon the request of any pupil or the parent or guardian review the reasons for expulsion and consider readmission.

E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if the pupil does not meet the requirements for participation in the alternative to suspension program prescribed in subsection H of this section and if good cause exists for expulsion or for a long-term suspension.

F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.

G. A school district or charter school shall expel from school for a period of not less than one year a pupil who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this

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expulsion requirement for a pupil on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:

1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.
2. "Firearm" means a firearm as defined in 18 United States Code section 921.

H. A school district or charter school shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in section 13-2911, except that the school district or charter school may modify this expulsion requirement for a pupil on a case by case basis if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). A school district may reassign a pupil who is subject to expulsion pursuant to this subsection to an alternative education program pursuant to subsection E of this section if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the threat. A school district or charter school may require the pupil's parent or guardian to participate in mediation, community service, restitution or other programs in which the parent or guardian takes responsibility with the pupil for the threat. For the purposes of this subsection, "threatened an educational institution" means to interfere with or disrupt an educational institution by doing any of the following:

1. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause physical injury to any employee of an educational institution or any person attending an educational institution.
2. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause damage to any educational institution, the property of any educational institution, the property of any employee of an educational institution or the property of any person attending an educational institution.
3. Going on or remaining on the property of any educational institution for the purpose of interfering with or disrupting the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.
4. Refusing to obey a lawful order to leave the property of an educational institution.

I. By January 1, 2001, each school district shall establish an alternative to suspension program in consultation with local law enforcement officials or school resource officers. The school district governing board shall adopt policies to determine the requirements for participation in the alternative to suspension program. Pupils who would otherwise be subject to suspension pursuant to this article and who meet the school district's requirements for participation in the alternative to suspension program shall be transferred to a location on school premises that is isolated from other pupils or transferred to a location that is not on school premises. The alternative to suspension program shall be discipline intensive and require academic work, and may require community service, grounds keeping and litter control, parent supervision, and evaluation or other appropriate activities. The community service, grounds keeping and litter control, and other appropriate activities may be performed on school grounds or at any other designated area.

J. Each school shall establish a **placement review committee** to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. **The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the**

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alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

15-842. Damage to school property; suspension or expulsion of pupil; liability of parent

A. A pupil who cuts, defaces or otherwise injures any school property may be suspended or expelled.

B. Upon complaint of the governing board, the parents or guardians of minors who have injured school property shall be liable for all damages caused by their children or wards.

15-843. Pupil disciplinary proceedings

A. An action concerning discipline, suspension or expulsion of a pupil is not subject to the provisions of title 38, chapter 3, article 3.1, except that the **governing board of a school district shall post regular notice and shall take minutes of any hearing held by the governing board concerning the discipline, suspension or expulsion of a pupil.**

B. The governing board of any school district shall, in consultation with the teachers and parents of the school district, prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

1. Penalties for excessive pupil absenteeism pursuant to section 15-803 including failure in a subject, failure to pass a grade, suspension or expulsion.

2. Procedures for the use of corporal punishment if allowed by the governing board.

3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

4. Procedures for dealing with pupils who have committed or are believed to have committed a crime.

5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.

6. Procedures and conditions for readmission of a pupil who has been expelled or suspended for more than ten days.

7. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.

8. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F at the time the board considers the recommendation.

C. Penalties adopted under subsection B, paragraph 1 for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person licensed under title 32, chapter 7, 13 or 17.

D. The governing board shall:

1. Support and assist teachers in the implementation and enforcement of the rules prescribed in subsection B.

2. Develop procedures allowing teachers and principals to recommend the suspension or expulsion of pupils.

3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.

4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.

E. If a pupil withdraws from school after receiving notice of possible action concerning discipline, expulsion or suspension, the governing board may continue with the action after the withdrawal and may record the results of such action in the pupil's permanent file.

F. In all action concerning the expulsion of a pupil, the governing board of a school district shall:

1. Be notified of the intended action.

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2. Decide, in executive session, whether to hold a **hearing or to designate one or more hearing officers to hold a hearing to hear the evidence, prepare a record and bring a recommendation to the board for action and whether the hearing shall be held in executive session.**

3. Give written notice, at least five working days prior to the hearing by the governing board or the hearing officer or officers designated by the governing board, to all pupils subject to expulsion and their parents or guardians of the date, time and place of the hearing. If the governing board decides that the hearing is to be held in executive session, the written notice shall include a statement of the right of the parents or legal guardians or an emancipated pupil subject to expulsion to indicate their objection to the governing board's decision to have the hearing held in executive session. Objections shall be made in writing to the governing board.

G. If a parent, legal guardian or emancipated pupil subject to expulsion disagrees that the hearing should be held in executive session, then it shall be held in an open meeting unless:

1. If only one pupil is subject to expulsion and disagreement exists between that pupil's parents or legal guardians, the governing board, after consultations with the pupil's parents or legal guardians or the emancipated pupil, shall decide in executive session whether the hearing will be in executive session.

2. If more than one pupil is subject to expulsion and disagreement exists between the parents or guardians of different pupils, then separate hearings shall be held subject to the provisions of this section.

H. Nothing in this section shall be construed to prevent the pupil who is subject to expulsion or suspension, and the pupil's parents or legal guardians and legal counsel, from attending any executive session pertaining to the proposed disciplinary action, from having access to the minutes and testimony of the executive session or from recording the session at the parent's or legal guardian's expense.

I. In schools employing a superintendent or a principal, the authority to suspend a pupil from school is vested in the superintendent, principal or other school officials granted this power by the governing board of the school district.

J. In schools that do not have a superintendent or principal, a teacher may suspend a pupil from school.

K. In all cases of suspension, it shall be for good cause and shall be reported within five days to the governing board by the superintendent or the person imposing the suspension.

L. A teacher who fails to comply with this section is guilty of unprofessional conduct and the teacher's certificate may be revoked.

M. The principal of each school shall insure that a copy of all rules pertaining to discipline, suspension and expulsion of pupils is distributed to the parents of each pupil at the time the pupil is enrolled in school.

N. The principal of each school shall insure that all rules pertaining to the discipline, suspension and expulsion of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

15-844. Suspension and expulsion proceedings for children with disabilities

Notwithstanding sections 15-841 and 15-842, the suspension or expulsion of children with disabilities, as defined in section 15-761, shall be in accordance with the individuals with disabilities education act (20 United States Code sections 1410 through 1485) and federal regulations issued pursuant to the individuals with disabilities education act.